

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1997 OF 2016

Ashok Dadasaheb Tuwar
Age : 40 years,
Occu.: Agril. & Business,
R/o at Taklibhan,
Tq. Shrirampur,
Dist. Ahmednagar

.. Applicant

Vs.

The State of Maharashtra
at the instance of Police Station,
Shrirampur, Dist. Ahmednagar

.. Respondent

Mr. B.S. Chondhekar, Advocate for the applicant
Mr. M.B. Bharaswadkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 22/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who is apprehending arrest at the hands of Shrirampur Taluka Police Station, Dist. Ahmednagar in crime no. 19 of 2016 for the offences punishable under section 452, 380 of the Indian Penal Code, is praying for his release on bail, in the event of his arrest.

3. Brother of the applicant - Balasaheb Tuwar. has filed complaint on 25/02/2016 that he and his brothers are separate from each others and their agricultural property is also separate, still, on 25/02/2016, the present applicant, has behind his back came to his hotel and in presence of the workers, took away an amount of Rs.18,000/- to Rs.20,000/- without the consent of the complainant.

4. Learned counsel for the applicant submits that in-fact, the parties are having joint property and only to force settlement of the dispute of civil nature, the present complaint is filed.

5. Learned A.P.P. however opposed the application. He submits that even mother of the applicant had stated that the property is not joint.

6. Considering all the facts on record and finding that this is a dispute between brothers regarding the monetary affair, and as learned counsel for the applicant makes a statement that the applicant is ready to deposit an amount of Rs.20,000/- (Rs. Twenty Thousand) till the conclusion of the trial, in

case the chargesheet is filed.

7. Considering all the facts on record and finding that this is a dispute between the brothers, the custodial interrogation of the present applicant is not required, particularly, when the alleged proceeds of the crime is being deposited in the Court. In the circumstances, the following order:-

8. In the event of the arrest of the applicant in crime no. 19 of 2016 registered at Shrirampur Taluka Police Station, Dist. Ahmednagar for the offences punishable under section 452, 380 of the Indian Penal Code, he be released on bail, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) and also upon furnishing surety in the like amount.

9. The applicant shall attend the Investigating Officer, as and when reasonably called for the purposes of investigation/interrogation.

10. The applicant is directed to deposit an amount of Rs.20,000/- (Rs. Twenty Thousand) within a period of one week from the date of this order, in the Court of learned Judicial Magistrate First Class, where the

chargesheet would be regularly filed. The said amount be accepted in suspense account and shall be subject to the decision in the case, after the chargesheet that may be filed by the Investigating Officer.

11. In case the chargesheet is not filed, the amount be refunded to the applicant.

12. Upon failure to deposit the amount, as aforesaid, the present order shall stand automatically vacated.

13. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/